

## Message Text

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PAGE 01 STATE 202810  
ORIGIN L-03

INFO OCT-01 EUR-12 EA-12 ISO-00 OES-07 DLOS-09 ACDA-10  
AGRE-00 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00  
COME-00 DODE-00 DOTE-00 EB-08 EPA-04 ERDA-07  
FEAE-00 FMC-02 TRSE-00 H-02 INR-07 INT-05 IO-14  
JUSE-00 NSAE-00 NSC-05 NSF-02 OMB-01 PA-02 PM-05  
PRS-01 SP-02 SS-15 USIA-15 /158 R

DRAFTED BY L/OES/BHOXMAN: SCH  
APPROVED BY L/OES - BHOXMAN  
OES/OFA/OA -DALTON  
/LOS -BLUMBERG  
EUR/NE- WORRELL  
UR/CE- MR. LAUDERDALE  
EUR/WE- MS. CRAMERUS  
EA/J -ECTON  
L/OES - TLLEITZELL

-----053172 251736Z /47

R 251433Z AUG 77  
FM SECSTATE WASHDC  
TO AMEMBASSY BONN  
AMEMBASSY LONDON  
AMEMBASSY PARIS  
AMEMBASSY THE HAGUE  
AMEMBASSY TOKYO

UNCLAS STATE 202810

E.O. 11652: N/A

TAGS: SENV, PLOS

SUBJECT: LOS -- POLLUTION CONTROL LEGISLATION

1) EMBASSIES ARE REQUESTED TO CONVEY FOLLOWING INFORMATION  
TO HOST GOVERNMENT LOS REPRESENTATIVES URGENTLY.  
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2) ON AUGUST 4, SENATE PASSED S. 1952, AMENDING H.R. 3199  
PASSED BY THE HOUSE OF REPRESENTATIVES. THE SENATE VERSION  
INCLUDES A PROHIBITION ON DISCHARGES OF HAZARDOUS SUBSTANCES  
IN WATERS ABOVE THE CONTINENTAL SHELF OR WATERS OF THE 200-  
MILE FISHERIES ZONE. A SENATE-HOUSE CONFERENCE ON THE BILL  
IS EXPECTED SOON AFTER LABOR DAY. ADMINISTRATION POLLUTION

PROPOSALS AND HOUSE BILL DID NOT REPEAT NOT INCLUDE ABOVE PROVISIONS ON DISCHARGES CONTAINED IN S. 1952 AND THEY ARE NOT, OF COURSE, CONSISTENT WITH POSITION TAKEN BY U.S. AT LOS CONFERENCE OR THE NEW CONSOLIDATED NEGOTIATING TEXT. WE ARE, HOWEVER, UNABLE AT THIS TIME TO PREDICT THE ULTIMATE OUTCOME. DEPARTMENT DOES NOT AT ALL EXPECT HOST GOVERNMENTS TO BE PLEASED BY S. 1952, BUT WISHES TO KNOW PRECISELY HOW STRONGLY THEY MAY FEEL AT POLICY LEVEL.

3) SELECTED PROVISIONS OF SECTION 311 OF THE FEDERAL WATER POLLUTION CONTROL ACT AS THEY WOULD BE AMENDED BY S. 1952 ARE AS FOLLOWS:

BEGIN TEXT:

(B)(1) THE CONGRESS HEREBY DECLARES THAT IT IS THE POLICY OF THE UNITED STATES THAT THERE SHOULD BE NO DISCHARGES OF OIL OR HAZARDOUS SUBSTANCES INTO OR UPON THE NAVIGABLE WATERS OF THE U.S., ADJOINING SHORELINES, OR INTO OR UPON WATERS OF THE CONTIGUOUS ZONE, OR INTO OR UPON THE WATERS ABOVE THE OUTER CONTINENTAL SHELF (AS DEFINED IN THE OUTER CONTINENTAL SHELF LANDS ACT) OR THE WATERS OVER WHICH THE UNITED STATES ASSERTS EXCLUSIVE FISHERIES MANAGEMENT UNDER THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976.

(2)(A) THE ADMINISTRATOR SHALL DEVELOP, PROMULGATE, AND UNCLASSIFIED

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REVISE AS MAY BE APPROPRIATE, REGULATIONS DESIGNATING AS HAZARDOUS SUBSTANCES, OTHER THAN OIL AS DEFINED IN THIS SECTION, SUCH ELEMENTS AND COMPOUNDS WHICH, WHEN DISCHARGED IN ANY QUANTITY INTO OR UPON THE NAVIGABLE WATERS OF THE UNITED STATES OR ADJOINING SHORELINES OR THE WATERS OF THE CONTIGUOUS ZONE, OR THE WATERS ABOVE THE OUTER CONTINENTAL SHELF (AS DEFINED IN THE OUTER CONTINENTAL SHELF LANDS ACT) OR THE WATERS OVER WHICH THE UNITED STATES ASSERTS EXCLUSIVE FISHERIES MANAGEMENT UNDER THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976, PRESENT AN IMMINENT AND SUBSTANTIAL DANGER TO THE PUBLIC HEALTH OR WELFARE, INCLUDING BUT NOT LIMITED TO, FISH, SHELLFISH, WILDLIFE, SHORELINES, AND BEACHES.

(3) THE DISCHARGE OF OIL OR HAZARDOUS SUBSTANCES INTO OR UPON THE NAVIGABLE WATERS OF THE UNITED STATES, ADJOINING SHORELINES, OR INTO OR UPON THE WATERS OF THE CONTIGUOUS ZONE, OR INTO OR UPON THE WATERS ABOVE THE OUTER CONTINENTAL SHELF (AS DEFINED IN THE OUTER CONTINENTAL SHELF LANDS ACT), OR INTO OR UPON THE WATERS OVER WHICH THE UNITED STATES ASSERTS EXCLUSIVE FISHERIES MANAGEMENT UNDER THE FISHERY CONSERVATION AND MANAGEMENT ACT OF 1976, IN HARMFUL

QUANTITIES AS DETERMINED BY THE PRESIDENT UNDER PARAGRAPH (4) OF THIS SUBSECTION, IS PROHIBITED, EXCEPT (A) IN THE CASE OF SUCH DISCHARGES OF OIL INTO THE WATERS OF THE CONTIGUOUS ZONE, WHERE PERMITTED UNDER ARTICLE IV OF THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION OF THE SEA BY OIL, 1954, AS AMENDED, AND (B) WHERE PERMITTED IN QUANTITIES AND AT TIMES AND LOCATIONS OR UNDER SUCH CIRCUMSTANCES OR CONDITIONS AS THE PRESIDENT MAY, BY REGULATION, DETERMINE NOT TO BE HARMFUL. ANY REGULATIONS ISSUED UNDER THIS SUBSECTION SHALL BE CONSISTENT WITH MARITIME SAFETY AND WITH MARINE AND NAVIGATION LAWS AND REGULATIONS AND APPLICABLE WATER QUALITY STANDARDS.

(5) ANY PERSON IN CHARGE OF A VESSEL OR OF AN ONSHORE FACILITY  
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LITY OR AN OFFSHORE FACILITY SHALL, AS SOON AS HE HAS KNOW-

LEDGE OF ANY DISCHARGE OF OIL OR A HAZARDOUS SUBSTANCE FROM SUCH VESSEL OR FACILITY IN VIOLATION OF PARAGRAPH (3) OF THIS SUBSECTION, IMMEDIATELY NOTIFY THE APPROPRIATE AGENCY OF THE UNITED STATES GOVERNMENT OF SUCH DISCHARGE. ANY SUCH PERSON WHO FAILS TO NOTIFY IMMEDIATELY SUCH AGENCY OF SUCH DISCHARGE SHALL, UPON CONVICTION, BE FINED NOT MORE THAN \$10,000, OR IMPRISONED FOR NOT MORE THAN ONE YEAR, OR BOTH. NOTIFICATION RECEIVED PURSUANT TO THIS PARAGRAPH OR INFORMATION OBTAINED BY THE EXPLOITATION OF SUCH NOTIFICATION SHALL NOT BE USED AGAINST ANY SUCH PERSON IN ANY CRIMINAL CASE, EXCEPT A PROSECUTION FOR PERJURY OR FOR GIVING A FALSE STATEMENT.

(6) ANY OWNER OR OPERATOR OF A VESSEL, ONSHORE FACILITY, OR OFFSHORE FACILITY FROM WHICH OIL OR A HAZARDOUS SUBSTANCES IS DISCHARGED IN VIOLATION OF PARAGRAPH (3) OF THIS SUBSECTION SHALL BE ASSESSED A CIVIL PENALTY BY THE SECRETARY OF THE DEPARTMENT IN WHICH THE COAST GUARD IS OPERATING OF NOT MORE THAN \$5,000 FOR EACH OFFENSE. END TEXTS.

4) IN ADDITION, THERE ARE PROVISIONS FOR A PENALTY OF UP TO \$5 MILLION FOR A DISCHARGE FROM A VESSEL OF ANY HAZARDOUS SUBSTANCE DETERMINED NOT TO BE REMOVABLE, AS WELL AS PROVISION FOR LIABILITY FOR CLEANUP COSTS FOR REMOVAL OF THE OIL OR OTHER HAZARDOUS SUBSTANCE DISCHARGED IN VIOLATION OF THE ACT. THE INTERVENTION PROVISIONS WOULD ALSO BE MODIFIED AS FOLLOWS: BEGIN TEXT

(D) WHENEVER A MARINE DISASTER IN OR UPON THE NAVIGABLE WATERS OF THE UNITED STATES, THE WATERS OF THE CONTIGUOUS  
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ZONE, THE WATERS ABOVE THE OUTER CONTINENTAL SHELF (AS  
DEFINED IN THE OUTER CONTINENTAL SHELF LANDS ACT), OR THE  
WATERS OVER WHICH THE UNITED STATES ASSERTS EXCLUSIVE  
FISHERIES MANAGEMENT UNDER THE FISHERY CONSERVATION AND  
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A POLLUTION HAZARD TO THE PUBLIC HEALTH OR WELFARE OF THE  
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FISH, AND WILDLIFE AND THE PUBLIC AND PRIVATE SHORELINES  
AND BEACHES OF THE UNITED STATES, BECAUSE OF A DISCHARGE,  
OR AN IMMINENT DISCHARGE OF LARGE QUANTITIES OF OIL, OR OF  
A HAZARDOUS SUBSTANCE FROM A VESSEL THE UNITED STATES MAY  
(A) COORDINATE AND DIRECT ALL PUBLIC AND PRIVATE EFFORTS  
DIRECTED AT THE REMOVAL OR ELIMINATION OF SUCH THREAT:  
AND (B) SUMMARILY REMOVE, AND, IF NECESSARY, DESTROY SUCH  
VESSEL BY WHATEVER MEANS ARE AVAILABLE WITHOUT REGARD TO  
ANY PROVISIONS OF LAW GOVERNING THE EMPLOYMENT OF PERSONNEL  
OR THE EXPENDITURE OF APPROPRIATED FUNDS. END TEXT. CHRISTOPHER

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ORIGIN DLOS-09

INFO OCT-01 EUR-12 ISO-00 SIL-01 /023 R

66011

DRAFTED BY:D/LOS:RCBLUMBERG:AFR

APPROVED BY:D/LOS:FHODSOLL

-----008574 080719Z /13

R 080606Z SEP 77

FM SECSTATE WASHDC

TO AMEMBASSY BRUSSELS

AMEMBASSY COPENHAGEN

AMEMBASSY HELSINKI

AMEMBASSY ATHENS

AMEMBASSY ROME

AMEMBASSY OSLO

AMEMBASSY MADRID

AMEMBASSY STOCKHOLM

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FOLLOWING REPEAT STATE 202810 SENT ACTION BONN LONDON PARIS  
THE HAGUE TOKYO AUG 25.  
QUOTE UNCLAS STATE 202810

E.O. 11652: N/A

TAGS: SENV, PLOS

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(D) WHENEVER A MARINE DISASTER IN OR UPON THE NAVIGABLE WATERS OF THE UNITED STATES, THE WATERS OF THE CONTIGUOUS ZONE, THE WATERS ABOVE THE OUTER CONTINENTAL SHELF (AS DEFINED IN THE OUTER CONTINENTAL SHELF LANDS ACT), OR THE WATERS OVER WHICH THE UNITED STATES ASSERTS EXCLUSIVE FISHERIES MANAGEMENT UNDER THE FISHERY CONSERVATION AND UNCLASSIFIED

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MANAGEMENT ACT OF 1976, HAS CREATED A SUBSTANTIAL THREAT OF A POLLUTION HAZARD TO THE PUBLIC HEALTH OR WELFARE OF THE UNITED STATES, INCLUDING, BUT NOT LIMITED TO, FISH, SHELLFISH, AND WILDLIFE AND THE PUBLIC AND PRIVATE SHORELINES AND BEACHES OF THE UNITED STATES, BECAUSE OF A DISCHARGE, OR AN IMMINENT DISCHARGE OF LARGE QUANTITIES OF OIL, OR OF A HAZARDOUS SUBSTANCE FROM A VESSEL THE UNITED STATES MAY (A) COORDINATE AND DIRECT ALL PUBLIC AND PRIVATE EFFORTS DIRECTED AT THE REMOVAL OR ELIMINATION OF SUCH THREAT: AND (B) SUMMARILY REMOVE, AND, IF NECESSARY, DESTROY SUCH VESSEL BY WHATEVER MEANS ARE AVAILABLE WITHOUT REGARD TO ANY PROVISIONS OF LAW GOVERNING THE EMPLOYMENT OF PERSONNEL OR THE EXPENDITURE OF APPROPRIATED FUNDS. END TEXT. CHRISTOPHER UNQUOTE VANCE

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
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**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
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**Disposition Approved on Date:**  
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**Executive Order:** N/A  
**Errors:** N/A  
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**Litigation History:**  
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**Message ID:** 2e9be852-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN L  
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**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 7  
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**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 1485278  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** LOS -- POLLUTION CONTROL LEGISLATION 1) EMBASSIES ARE REQUESTED TO CONVEY FOLLOWING INFORMATION TO HOST GOVERNMENT LOS REPRESENTATIVES URGENTLY.  
**TAGS:** SENV, PLOS, US  
**To:** BONN LONDON MULTIPLE  
**Type:** TE  
**vdkgvkey:** odbc://SAS/SAS.dbo.SAS\_Docs/2e9be852-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009